



JAN 21 2003

The Honorable Bill Richardson  
Governor of New Mexico  
Santa Fe, New Mexico 87503

Dear Governor Richardson:

It is with pleasure that I respond to the State of New Mexico's request for a waiver of statutory and regulatory requirements under the Workforce Investment Act (WIA), in accordance with the Secretary's authority to waive certain requirements of WIA Title I, subtitles B and E and sections 8-10 of the Wagner-Peyser Act. This authority is granted to the Secretary by section 189(i)(4)(A) of the Workforce Investment Act (WIA or the Act), and in the implementing regulations at 20 CFR 661.420.

These waivers grant states flexibility in program design for seamless program delivery and improved customer service, in exchange for accountability and agreed-to programmatic outcomes. We hope that these changes will assist your state in meeting its workforce needs and improving programmatic outcomes at the local level and statewide.

We are pleased to be able to respond positively to your request. The following is the disposition of the state's waiver submission.

***Waiver: Subsequent Eligible Training Provider (ETP) Requirements; 18 month subsequent eligibility requirement (WIA Sec. 122(c)(5) and 20 CFR 663.530)***

The state is requesting a waiver of the time limit on the period of initial eligibility of training providers found at WIA section 122(c)(5) and 20 CFR 663.530 through June 30, 2004. The state believes that granting this waiver will ensure that New Mexico's older youth, adult and dislocated workers will be afforded the opportunity to receive quality training through a system that provides a wide range of effective training providers from which to choose. The state reports that this waiver will allow New Mexico the time necessary to thoroughly assess the Eligible Training Provider process and develop an effective and efficient method of data collection and dissemination. The state indicates that it will set criteria for performance and customer satisfaction data collection in such a way as to ensure that all required information is obtained while easing the burden of



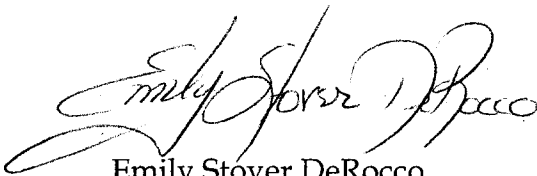
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data collection now placed upon providers. The state's request includes a viable plan, including a time line, for achieving compliance with the section 122 requirements on subsequent eligibility of training providers. The waiver is written in the format identified in WIA section 189(i)(4)(B) and 20 CFR 661.420(c) and appears to meet the standard for waiver of requirements relating to key reform principles, as specified at 20 CFR 661.410(c).

Accordingly, the State of New Mexico is granted a waiver of the time limit on the period of initial eligibility of training providers at 20 CFR 663.530 to extend the period of initial eligibility through June 30, 2004, as requested. The granted waiver is incorporated by reference into the state's WIA Grant Agreement, as provided for under paragraph 3 of the executed Agreement, and also constitutes a modification of New Mexico's approved five-year strategic plan. A copy of each letter should be filed with the state's WIA Grant Agreement and the state's approved five-year plan, as appropriate.

We look forward to continuing our partnership with you and to the achievement of better workforce investment outcomes and the improvement of the lives of many of the residents of New Mexico. We are prepared to entertain other state and local-level waiver requests that the state may wish to submit, consistent with the provisions of the Act and regulations.

Sincerely,

A handwritten signature in dark ink, appearing to read "Emily Stover DeRocco", with a stylized, flowing script.

Emily Stover DeRocco

Enclosure

GARY E. JOHNSON  
GOVERNOR

CLINTON D. HARDEN, JR.  
SECRETARY



STATE OF NEW MEXICO  
DEPARTMENT OF LABOR

☒ 401 Broadway, NE  
P.O. Box 1928  
Albuquerque, NM 87103  
(505) 841-8409  
(505) 841-8491 FAX

☐ 1596 Pacheco Street  
P.O. Box 4218  
Santa Fe, NM 87502-4218  
(505) 827-6827  
(505) 827-6812 FAX

November 5, 2002

Mr. John Rincon  
Regional Administrator  
Attn: Maxine Bradley  
U.S. Department of Labor/ETA  
1999 Broadway Street, Suite 1780  
Denver, CO 80202-5716

*Alonso, Please  
Process.  
Roh*

Dear Mr. Rincon:

New Mexico is requesting a waiver to postpone the implementation of the subsequent eligibility process for Eligible Training Providers until June 30, 2004. This waiver request is enclosed and follows Workforce Investment Act Section 122 (c) (5) and WIA Regulations 663.530.

Granting this waiver will allow New Mexico the opportunity to properly address our providers concerns with the method of collecting training providers performance data, the amount of information being requested and the types of information being collected. With this postponement New Mexico will develop an efficient and effective method of collecting, and processing this data.

New Mexico fully supports the WIA concepts of program accountability and consumer choice. And this waiver will help us better meet these goals. Under our plan implementation of the subsequent eligibility determination process will continue throughout the year with a final implementation date of June 30, 2004.

If you or your staff has any questions regarding our request, please contact Mr. Glen Gamache in Albuquerque at (505) 841-8537.

Thank you for your consideration of our waiver request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Clinton D. Harden Jr.".

Clinton D. Harden, Jr., Secretary

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Enclosures

***State of New Mexico  
Waiver Request  
Workforce Investment Act  
Subsequent Eligibility Determination of Eligible Training Providers***

The New Mexico Department of Labor (NMDOL) is New Mexico's administrative entity for the Workforce Investment Act of 1998 (WIA). NMDOL is requesting a waiver to postpone the implementation of the Subsequent Eligibility Determination process for Eligible Training Providers until June 30, 2004.

New Mexico fully supports the concepts of consumer choice and program accountability as directed in both WIA and New Mexico's Workforce Development Act of 1999 (WDA). New Mexico is developing strategies to measure progress towards meeting its goals and is implementing a new one-stop operating system on the Internet designed by Geographic Solutions. Utilizing this system for training providers information collection and dissemination will increase New Mexico's Strategic Plan efficiency by providing users with up to date training performance, successes and satisfaction information. This will allow job seekers to make informed decisions based on current quality data.

NMDOL is requesting this postponement so that New Mexico can better determine the most efficient method of collecting the training provider's performance data and alleviate providers concerns with the types and amount of information being requested.

Granting this waiver will insure that New Mexico's older youth, adult and dislocated workers will be afforded the opportunity to receive quality training through a system that provides a wide range of effective training providers from which to choose.

New Mexico appreciates the opportunity to implement the flexibility afforded it through this waiver process and believes that this waiver plan provides the adequate accountability and improved performance necessary for United States Department of Labor approval.

NMDOL is requesting this waiver in the format described in WIA Section 189 (i) (4) (B) and Regulations 661.420.

1. **Statutory or Regulatory Requirements to be waived:** WIA Section 122 (c) (5) and WIA Regulations 663.530 dealing with the time limit for initial eligibility and or subsequent eligibility.
2. **State or Local Statutory or Regulatory Barriers:** Under WIA and WDA laws and regulations the Eligible Training Provider process has been implemented in New Mexico. There are no State requirements that will impede this process, but state rules will be amended to reflect waiver approved time frames. Hence, there are no State or Local statutory or regulatory barriers that need to be removed.

3. **Goals to be achieved as a result of the Waiver:** As a result of this waiver New Mexico intends to achieve the following goals:
- To retain approved Eligible Providers and continue to increase their numbers providing quality customer choice for New Mexico's job seekers.
  - To alleviate providers' concerns with the types and amount of requested information.
  - To set reasonable criteria for subsequent eligibility performance information.
  - To develop an effective and efficient method of data collection from training providers.
  - To develop an effective and efficient method of measuring and informing job seekers of training provider successes.
  - To continue to enhance and develop the capabilities of New Mexico's online database system for providers and job seekers by providing current training provider information.
  - To review the Eligible Training Providers' application process.
  - To maintain the highest level of provider accountability.

**Programmatic outcomes:** This waiver will allow New Mexico the time necessary to thoroughly assess the Eligible Training Provider process and develop an effective and efficient method of data collection and dissemination. New Mexico will set criteria for performance and satisfaction data collection in such a way as to ensure that all required information is obtained while easing the burden of data collection now placed upon providers.

With the time granted through this waiver NMDOL will:

- Bring the State and Local WIA Boards staff together to review and update the Eligible Training Provider application process. A revised application form and process is to be completed by March 15, 2003.
  - Provide information and technical assistance to non-participating service providers to better familiarize them with the Eligible Training Provider process of approval and inclusion on New Mexico's Eligible Training Provider List when the Subsequent Eligibility and Performance Data Collection and updated Provider Application is available.
  - Provide additional technical assistance to participating service providers to familiarize them with a newly modified Eligible Training Provider process of approval and their continued inclusion on New Mexico's Eligible Training Provider List.
  - Staff from the State and Local WIA Boards will work together to craft the criteria for subsequent eligibility performance collection with an implementation date of June 30, 2003.
4. **Individuals affected by the Waiver:** Today, University, College, Vocational-Technical Institutions and other private providers conduct New Mexico's training programs. These providers are extremely vocal in regards to the types and

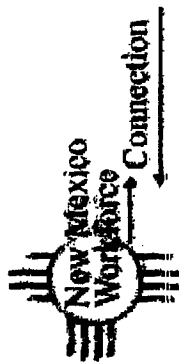
amounts of data they will be required to provide for the subsequent eligibility process. Some have indicated that these mandated reporting requirements are so burdensome and costly that it may be necessary for them to end WIA participation. This would spell disaster for participant choice under WIA in New Mexico. Thus this waiver will avert this problem by retaining providers that are currently participating in WIA. And with the creation of an effective and efficient method of data collection new providers can be more easily recruited, creating a stronger training provider base offering participants even greater choices. As such this waiver will have a system wide impact either directly or indirectly on all training customers, training service providers, all WIA boards and all New Mexican communities.

5. **Description of the Process to Monitor Progress:** The Job Training Division staff of NMDOL (the WIA Oversight Entity at the NMDOL) will monitor the progress of the above-mentioned actions and related activities to ensure timely completion of all tasks. Staff members of the State Board and Local Boards will meet. They will:
- a. Discuss the current application process including improvements.
  - b. Set the time frames for Technical Assistance sessions.
  - c. Develop the criteria for the subsequent eligibility process.
  - d. Revise the eligibility process application form.

The State staff member, who oversees the Eligible Training Provider List will facilitate these meetings and report progress to all entities involved as well as the Regional Department of Labor Representative.

6. **Comment Period:** WIA support staff has provided input to NMDOL regarding New Mexico's Eligible Training Providers eligibility determination process. Training Providers also have provided input. The State Boards general consultant reviewed the waiver request and the State Workforce Investment Board's Chairman approved NMDOL's final waiver recommendations.

As of the date of this request a thirty (30) day general public comment period has been established. The Eligible Training Provider Subsequent Eligibility Waiver Request will be posted on the New Mexican WIA Website with a link to Regional WIA Websites and the NMDOL's Website. Within this process State and Local WIA Boards, Public Education and Private Education Organizations were sent this waiver request for their review and comments. Local community, business and organized labor have WIA Board members that will have an opportunity for comment and future involvement developing this new process. Local public officials, community-based organizations, other stakeholders and the general public also have this opportunity to comment. All comments received by NMDOL will be reviewed and immediately forwarded to the Regional Department of Labor Representative.



# State Board

- Workforce Development Board Membership
- State Board Meetings
- Past meetings and minutes
- Eligible Training Providers Application FORM
- WIA Event Calendar 2002
- WIA Event Calendar 2001

## The Connection - WIA Newsletter

- Summer 2002
- Spring 2002
- First Issue of "The Connection" pdf file

## Economic Information

- Wage Information - Estimate Delivery System
- Short-term 2001-2003

## Public Notice

**Public Comment period is now open.**

New Mexico's Eligible Training Providers Eligibility Determination Process Waiver Request is open for Public Comment. Comment period closes December 5, 2002.

### Waiver WIA-ETP

Comments may be sent by:

1. Using the link at the end of the posted request
2. Our email feedback link or
3. In writing to:  
New Mexico Department Of Labor  
Office of the Secretary  
Re: Training Providers Waiver  
POB 1928  
Albuquerque, NM 87103

All comments will be forwarded to the Regional U.S. Department of Labor Representative for review.

## Annual Report and State Plan

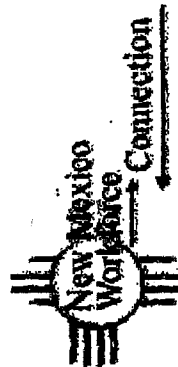
- Annual Report Note: pdf file uploaded December 3, 2001

- State Plan 2001,  
*Note: pdf file 521kb, Jan 29, 2001*
  - Attachment 1
  - Attachment 2
  - Attachment 3
  - Attachment 4
  - Attachment 5
  - Attachment 6
  - Attachment 7
  - Attachment 8
  - Attachment 9
  - Attachment 10
- Draft State Plan 2000
- State Plan Response to USDOL Note: pdf file 101kb
- Second State Plan Response to USDOL Note: pdf file 17kb

Note: some of the links on this page are to "pdf" files. You will need the Acrobat Reader to view them. The reader is free from adobe.com

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